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***Facsimile Transmittal***

DATE: March 3, 2005  
TO: Mail Stop Amendment  
Commissioner for Patents  
ATTN: Examiner: Joy Contee  
Art Unit: 2686

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FROM: Rupit Patel, Agent for Applicant  
Registration No. 53,441

Total Number of Pages Sent: 4 (including this transmittal cover sheet)

Comments: In regard to a telephone conversation with Examiner Contee on March 2, 2005, attached is a Terminal Disclaimer for the below listed case which was inadvertently omitted in the Response to Office Action filed on February 7, 2005.

\*\*\*\*\*

**FILING BY FACSIMILE:**

ATTORNEY DOCKET NO.: 010254

**ENCLOSED ARE:**

- Terminal Disclaimer (3 pages)

APPLICANT: Walton et al.  
ASSIGNEE: QUALCOMM Incorporated  
SERIAL NO.: 09/993,087  
FILED: November 6, 2001  
FOR: MULTIPLE-ACCESS MULTIPLE-INPUT MULTIPLE-OUTPUT (MIMO) COMMUNICATION SYSTEM

\*\*\*\*\*

Please contact Stacy Dumrauf at (858) 658-5212 if all pages do not transmit.

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T-559 P.002/004 F-730

MAR 03 2005

Attorney Docket No. 010254  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of )  
Walton et al. ) For: MULTIPLE-ACCESS  
Serial No. 09/993,087 ) MULTIPLE-INPUT MULTIPLE-  
Output (MIMO)  
Filed: November 6, 2001 ) COMMUNICATION SYSTEM  
Examiner: Joy Contee  
Group No.: 2686

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PENDING SECOND APPLICATION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Rupit Patel, am the agent of record for this invention. The assignee, QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

## EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this invention.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: \_\_\_\_\_  
(type or print name)

Date: March 3, 2005

## FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office.

Depositor's Name: Stacy Durnauf  
(type or print name)

Signature: \_\_\_\_\_

## RECORDAL OF ASSIGNMENT

The Assignment for this application was recorded with the U.S. Patent and Trademark Office on January 29, 2002 at Reel/Frame 012575/0478.

## DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154-156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 09/956,449, filed on September 18, 2001, of any patent on the pending second application. The disclaimant hereby agrees that any patent so granted on the instant application are enforceable only for and during such period that that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued or in any manner terminated prior to expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: March 3, 2005

By: 

Rupit Patel, Reg. No. 53,441  
(858) 651-7435

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